

# Office of Attorney General Terry Goddard



STATE OF ARIZONA  
DEPARTMENT OF LAW  
1275 W. WASHINGTON STREET  
PHOENIX, ARIZONA 85007-2926  
[WWW.AZAG.GOV](http://WWW.AZAG.GOV)

ANDREA M. ESQUER  
PRESS SECRETARY  
PHONE: (602) 542-8019  
CELL PHONE: (602) 725-2200

**FOR IMMEDIATE RELEASE**

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## **Attorney General's Office Settles Lawsuits Against Apartment Owner Who Discriminated Against Tenants with Therapeutic Animals**

(Phoenix, Ariz. – Jan. 4, 2006) Attorney General Terry Goddard today announced the settlement of two fair housing lawsuits filed against Bosley Management, Inc. and Show Low Apartments, LP, for allegedly denying residents the right to live with therapeutic animals because of their general “no pets” policy. The apartment complex is located in Show Low and is federally subsidized.

The consent decrees, approved by the Maricopa County Superior Court, resolve two lawsuits filed by the Attorney General's Civil Rights Division. The suits alleged that the management company, owner and manager of the apartment complex discriminated against a current resident and a former resident by refusing to grant their requests for a disability accommodation.

Under the terms of the consent decrees, the defendants agreed to pay the Civil Rights Division \$100,000, one of its disabled residents \$65,000 and a former disabled resident \$12,000. The defendants also agreed to extensive monitoring and injunctive relief. The payments represent the largest settlement obtained by the Division in a matter involving disability discrimination under the Arizona Fair Housing Act.

The suits alleged that the defendants learned that two residents had cats living in their apartments and then demanded, under the threat of eviction, that the residents remove the animals from the complex. The demand was made after the two residents provided medical opinions that supported their assertions that the animals were therapeutic and necessary to lessen the effects of their mental and emotional disabilities. The defendants refused to reconsider their demand.

After the residents complied and removed their animals, they renewed their request that the defendants grant an accommodation for their disabilities and allow the animals to return to the complex. The defendants failed to make a decision on the residents' requests for weeks. During that period, one of the therapeutic cats was accidentally euthanized and the other cat disappeared.

The Civil Rights Division investigated both complaints and found reasonable cause to believe the defendants discriminated against the residents in violation of the Arizona Fair Housing Act. The lawsuits were filed against the complex in September 2004. In September 2005, Judge Peter Reinstein of the Maricopa County Superior Court ruled in one of the lawsuits that the defendants violated the Arizona Fair Housing Act by the way the complex implemented its “Service Animal Request” process and failed, for more than six weeks, to render a decision on the residents' reasonable accommodation request.

The Arizona Fair Housing Act requires that a landlord “make reasonable accommodations in rules, policies, practices or services if the accommodations may be necessary to afford the person equal opportunity to use and enjoy a dwelling.” Such reasonable accommodations include making a limited exception to a “no pets” rule for disabled persons who need assistive animals, including service animals

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and therapeutic animals. Therapeutic animals differ from service animals (such as seeing eye and hearing ear dogs) in that the “work” the animals perform is to provide comfort that diminishes the effects of emotional, mental or physical disabilities.

Under fair housing laws, once a tenant puts a housing provider on notice of a disability and requests a reasonable accommodation for that disability, the provider has a legal duty to find a reasonable accommodation for the tenant through an interactive process.

Under the consent decrees, the defendants agree to:

- Pay the Civil Rights Division \$100,000 in lieu of a statutory penalty so the Division may monitor the apartment complex’s compliance with the consent decrees and enforce civil rights laws in Arizona.
- Pay \$65,000 to the current resident of the complex and \$12,000 to the former resident.
- Submit for the Division’s review draft policies and procedures regarding reasonable accommodation requests made by prospective and actual tenants at all five apartment complexes owned by the defendants in Arizona.
- Be permanently enjoined from demanding removal of animals claimed to be service or therapeutic animals while the defendants complete compliance with the accommodation policies.
- For 17 months, the defendants must provide the Division with copies of all written requests submitted by tenants requesting a reasonable accommodation and information indicating the action taken in response to those requests.
- For 17 months, the defendants must provide the Division a written description of all complaints lodged by any tenant or prospective tenant of housing owned or managed by the defendants in Arizona to enable the Division to evaluate whether those complaints amount to any additional violations of the Arizona Fair Housing Act.

The Arizona Civil Rights Act prohibits discrimination in housing based on a person’s disability, race, color, religion, sex, familial status, or national origin. Anyone who believes that his or her civil rights have been violated should call the Arizona Attorney General’s Office Division of Civil Rights toll-free statewide at 1-877-491-5742.

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